

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MISSOURI**

EDWARD F. PLASTINO and )  
SECOND AMENDMENT FOUNDATION, INC., )  
   )  
   )  
Plaintiffs,                                 )  
   )  
   )  
v.   )   Case No. 4:12-CV-1316  
   )  
   )  
CHRIS KOSTER, in his Official Capacity as )  
Attorney General of the State of Missouri; and )  
TOM NEER, in his Official Capacity as )  
Sheriff of St. Charles County, Missouri, )  
   )  
   )  
Defendants.                                 )

**PLAINTIFFS' MOTION FOR LEAVE TO FILE OUT OF TIME**

COME NOW the Plaintiffs, EDWARD F. PLASTINO and SECOND AMENDMENT FOUNDATION, INC., by and through undersigned counsel, and move this Honorable Court for leave to file their Reply to Defendant NEER's Response to their Motion for Preliminary Injunction out of time. In support thereof, Plaintiffs state as follows:

1.       Plaintiffs filed a Motion for Preliminary Injunction on December 31, 2012.
2.       Defendant NEER timely filed a Response, but Defendant KOSTER did not.
3.       Respective counsel for Plaintiffs, NEER and KOSTER had communications regarding the briefing of Plaintiffs' Motion, and agreed (with Court approval) that KOSTER would file his Response, and that Plaintiffs would file Replies (and hopefully one joint Reply) to both Responses at the same time.
4.       The Court recently allowed KOSTER to file his Response and gave Plaintiffs until February 20, 2013 to file a Reply. Therefore, Plaintiffs ask for leave to also file their Reply to NEER's Response on the same date.
5.       This Motion is unopposed by the Defendants' counsel, with whom Plaintiffs'

counsel had the aforesaid discussions on this issue prior to filing this Motion.

WHEREFORE, the Plaintiffs request this Honorable Court:

1. Grant Plaintiffs leave to file their Reply to Defendant NEER's Response to their Motion for Preliminary Injunction by February 20, 2013;
2. Grant Plaintiffs any and all further relief as this Court deems just and proper.

Dated: February 7, 2012

Respectfully submitted,

By: \_\_\_\_\_ /s/ David G. Sigale \_\_\_\_\_  
David G. Sigale

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Admitted *Pro hac vice*

*Attorneys for Plaintiff*

**CERTIFICATE OF SERVICE**

The undersigned, an attorney of record for the Plaintiffs, hereby certifies that on February 7, 2013, he served a copy of the above Motion, and this certificate of service, on all counsel of record by electronic means pursuant to Electronic Case Filing (ECF).

/s/ David G. Sigale

David G. Sigale